

REMARKS

The Office Action mailed August 21, 2006, has been received and reviewed. Claims 11-22 are currently pending in the application. Claims 1-10 were previously cancelled without prejudice. Claims 11-22 stand rejected. Applicant has amended claims 11, 13, 16, 17, 19 and 22, and respectfully requests reconsideration of the application as amended herein.

35 U.S.C. § 102(e) Anticipation Rejections**Anticipation Rejection Based on U.S. Patent No. 6,654,384 to Reza et al**

Claims 11-12, 14, 16-18, 20 and 22 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Reza et al (U.S. Patent No. 6,654,384). Applicant respectfully traverses this rejection, as hereinafter set forth.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The 35 U.S.C. § 102(e) anticipation rejections of claims 11-12, 14, 16-18, 20 and 22 are improper because the Reza reference does not describe, either expressly or inherently, the identical inventions in as complete detail as are contained in the claims. Since the Reza reference does not describe, either expressly or inherently, the identical inventions in as complete detail as are contained in the claims, the Reza reference cannot anticipate under 35 U.S.C. § 102 the presently claimed invention of independent claims 11, 16, 17 and 22 and claims 12, 14, 18 and 20 depending therefrom.

Applicant's invention as presently claimed in amended independent claims 11, 16, 17 and 22, each recite, in part, ***"a broadcast service reference identifier specifying where to find the broadcast channel"***. The Office Action concedes "Reza fails to teach a broadcast service reference identifier and Service option number." (Office Action, p. 3).

Therefore, since at least Applicant's claimed element of a ***"a broadcast service reference identifier specifying where to find the broadcast channel"*** is not disclosed in the Reza

reference, the Reza reference cannot anticipate under 35 U.S.C. §102 Applicant's invention as presently claimed in amended independent claims 11, 16, 17 and 22 and claims 12, 14, 18 and 20 depending therefrom.

The Office Action in the rejection of claims 13, 15, 19 and 21 under 35 U.S.C. §103, cites the Leung et al (U.S. Patent No. 6,195,546) reference for teaching or suggesting the claim element of "a broadcast service reference identifier". Specifically, the Office Action alleges:

Reza fails to teach a broadcast service reference identifier and Service option number. However, *Leung et al teaches* a service option number is implemented into the communication protocol to provide detail *information regarding the data* to be communicat[ed] *such as voice, data or fax (a broadcast service reference identifier)* (See col. 8, lines 7-26). (Office Action, p. 3; emphasis added).

Applicant acknowledges that the Leung reference discloses a term "service option number," however, the Leung reference does not disclose "*a broadcast service reference identifier specifying where to find the broadcast channel*" as claimed by Applicant.

The Office Action alleges that "*information regarding the data to be communicat[ed] such as voice, data or fax (a broadcast service reference identifier)*" is equivalent to Applicant's claimed element of "*a broadcast service reference identifier*". However, a precise reading of the Leung reference discloses "*the service option numbers may indicate that the data being transferred between the base station and the mobile station is data associated with one of a voice call, a data call, or a fax/video call.*" (Leung, col. 8, lines 21-25; emphasis added). Specifically, Applicant's claimed element of "broadcast service reference identifier" is used to "specify where to find the broadcast channel" while the Leung reference is not only entirely silent regarding a "broadcast service reference identifier" but also discloses that any such "identifier" would be used to identify the data content and not "where to find the broadcast channel" as claimed by Applicant.

Therefore, since at least Applicant's claimed element of a "*a broadcast service reference identifier specifying where to find the broadcast channel*" is not disclosed in the Reza reference nor the Leung reference, these references cannot anticipate under 35 U.S.C. §102 Applicant's invention as presently claimed in amended independent claims 11, 16, 17 and 22 and claims 12, 14, 18 and 20 depending therefrom.

Accordingly, such claims are allowable over the cited prior art and Applicant respectfully requests that such rejections be withdrawn.

35 U.S.C. § 103(a) Obviousness Rejections

Obviousness Rejection Based on U.S. Patent No. 6,654,384 to Reza in view of U.S. Patent No. 6,195,546 to Leung et al.

Claims 13, 15, 19 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Reza (U.S. Patent No. 6,654,384) in view of Leung et al. (U.S. Patent No. 6,195,546). Applicant respectfully traverses this rejection, as hereinafter set forth.

The nonobviousness of independent claim 1 precludes a rejection of claims 13 and 15 which depend therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. *See In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), *see also* MPEP § 2143.03. Therefore, Applicant requests that the Examiner withdraw the rejection to independent claim 1 and claims 13 and 15 which depend therefrom.

The nonobviousness of independent claim 17 precludes a rejection of claims 19 and 21 which depend therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. *See In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), *see also* MPEP § 2143.03. Therefore, Applicant requests that the Examiner withdraw the rejection to independent claim 17 and claims 19 and 21 which depend therefrom.

CONCLUSION

Claims 11-22 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, the Examiner is respectfully invited to contact Applicant's undersigned attorney.

Respectfully submitted,

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